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8 CLERK OF THE COURT

9 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
10
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12 FACEBOOK, INC.,
13 Plaintiff-Appellee,
14 v.
15 STEVEN SURAJ VACHANI,
16 Defendant-Appellant.

Case No. 13-16795

**RESPONSE TO CLERK'S ORDER
REGARDING LACK OF
JURISDICTION OVER APPELLANT'S
INTERLOCUTORY APPEAL**

BY FAX

17
18 On September 6, 2013, I, Steven Vachani, appealed to the Ninth Circuit United States
19 Court of Appeal from the Order Re Attorneys Fees and Costs for Renewed Deposition¹ entered
20 August 7, 2013, and on September 9, 2013, the Court assigned the case number for the appeal and
21 set the briefing schedule.

22 On September 13, 2013, a File Clerk Order was entered in this appellate action stating: "A
23 review of the record suggests that this court may lack jurisdiction over the appeal because the
24 district court's August 7, 2013 'order re attorneys fees and costs for renewed deposition' does not
25 appear to be appealable." In summary, the clerk rejects immediate appeal of the District Court
26
27

28 ¹ *Facebook, Inc. v. Power Ventures, Inc.*, et al., CAND Case No. 5:2008cv05780; Dkt. No. 356.

1 Order because it 1) was issued by a magistrate judge, and 2) is a sanctions order of a type not
2 generally appealable prior to the entry of final judgment.

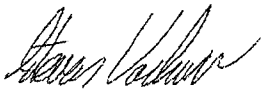
3 On September 25, 2013, a final judgment in *Facebook, Inc. v. Power Ventures, Inc.*, et al.
4 was entered². A true and correct copy of the final judgment is attached hereto as Exhibit A. As
5 final judgment has now been entered and the U.S. Court of Appeal has acquired jurisdiction over
6 interlocutory orders, as well as those issued by a magistrate judge, I respectfully submit that the
7 instant action be allowed to advance without dismissal.
8

9 I declare under the penalty of perjury of the laws of the State of California that the
10 foregoing is true and correct.

11 Respectfully submitted,

12
13 Dated: October 2, 2013

14
15 San Francisco, CA

By /s/ Steven Vachani 

16 PRO SE DEFENDANT STEVEN VACHANI
17 Steven Vachani (pro per)
18 2425B Channing, #216
19 Berkeley, CA 94704
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28 ² *Facebook, Inc. v. Power Ventures, Inc.*, et al., CAND Case No. 5:2008cv05780; Dkt. No. 374.

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2013, I filed the foregoing document with the Clerk of the Court, and have sent notification of such filing via electronic mail to all parties of record in this matter as addressed below:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in San Francisco, CA, on October 3rd, 2013

By:



Steven Suraj Vachani